

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

WENDELL RAY CAUDLE,

Defendant.

Case No. CR-20-020-RAW

PRELIMINARY ORDER OF FORFEITURE

WHEREAS, in the Indictment in the above-entitled case, the United States sought forfeiture to the United States of America of a money judgment described in the Forfeiture Allegation of said Indictment, pursuant to 21 U.S.C. § 853;

WHEREAS, in the Indictment in the above-entitled case, the United States sought forfeiture to the United States of America of all firearms and ammunition involved in the commission of the offenses as described in the Forfeiture Allegation of said Indictment, pursuant to Title 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c);

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

As the result of Defendant's plea of guilty on August 20, 2020, pursuant to Title 21 U.S.C. § 853, a criminal forfeiture money judgment in an amount to be determined by the Court at sentencing is hereby entered against defendant Wendell Ray Caudle in that such sum represents proceeds obtained through the offense.

Pursuant to Title 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), a preliminary order of forfeiture shall be entered whereby the following firearm and ammunition is preliminarily forfeited

to the United States and the forfeiture of such firearm and ammunition shall be made part of the defendant's sentence and included in the judgment:

- one (1) Davis Industries, Model D-32, .32 ACP caliber, derringer, serial number 286056,
- two (2) rounds of Winchester brand .32 ACP caliber ammunition

FURTHERMORE, the Court finds that, as a result of the defendant Wendell Ray Caudle's guilty plea to Counts One and Two of the Indictment, in which the government sought forfeiture, the motion should be granted.

The United States shall publish notice of this Order and its intent to dispose of the firearm and ammunition pursuant to 21 U.S.C. § 853(n) and Fed. R. Crim. P. 32.2(b)(6). The United States shall also send notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.

Upon the entry of this Order, the United States is authorized to seize or retain custody of the firearm and ammunition in accordance with Fed. R. Crim. P. 32.2(b)(3).

Any person, other than the defendant, asserting a legal interest in the real estate may, within thirty (30) days of the final publication of notice or the receipt of notice, whichever is earlier, petition the Court for a hearing to adjudicate the validity of the alleged interest.

Following the Court's disposition of any petition timely filed, a final order of forfeiture of the firearm and ammunition shall be entered. If no third party files a timely petition, this Order shall become the final order of forfeiture as provided by Fed. R. Crim. P. 32.2(c)(2) and all right, title and interest would vest in the United States for disposition according to law.

IT IS THEREFORE ORDERED that, pursuant to Title 21 U.S.C. § 853, Title 18 U.S.C. § 924(d) and Title 28 U.S.C. § 2461(c), the Motion of the United States for Preliminary Order of

Forfeiture is granted and the firearm and ammunition is preliminarily forfeited to the United States.

IT IS FURTHER ORDERED that the United States shall initiate proceedings necessary to protect third-party interests, if any, pursuant to and in accordance with Rule 32.2.

DATED this 20 day of Aug, 2020.

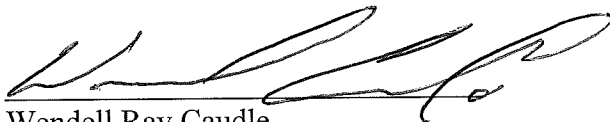


RONALD A. WHITE
United States District Court Judge

APPROVED AS TO FORM:



Clay A. Compton, OBA # 19781
Assistant United States Attorney



Wendell Ray Caudle
Defendant



Warren Gotcher
Attorney for Defendant